

A bill for the relief of J. H. Batte—read 2d time, and ordered to be engrossed.

On motion of Mr. Scott, the rule was suspended, bill read a 3d time, and passed.

A bill to authorize the Chief Justice of Tarrant county to order an election for the location of the county seat of said county—read 2d time, and ordered to be engrossed.

On motion of Mr. Scott, the rule was suspended, bill read a 3d time, and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Caldwell, Flanagan, Grimes, Hill, Hord, McDade, Martin, Pirkey, Potter, Scarborough, Scott, Taylor of Fannin, Taylor of Houston, and Weatherford—16.

NAYS—Messrs. Burroughs, Guinn, Maverick, Millican, Russell, Superviele, and Whitaker—7.

Mr. Caldwell presented the petition of Swenson and Swisher—referred to the Committee on the Judiciary.

Mr. Caldwell introduced a bill to authorize James H. Mathews to erect a mill and construct a dam across the Colorado River—read 1st and 2d times, and referred to the Committee on Internal Improvements.

On motion of Mr. Hill, the Senate adjourned until to-morrow morning, at 8 o'clock.

#### WEDNESDAY, August 6th, 1856.

The Senate was called to order by the President pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Allen, Chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor :

A bill for the relief of John G. McClaskey.

A bill for the relief of Jas. D. Lilly, assignee of Jonathan Bird ; and

A bill making an appropriation for arms lost by the Georgia Battalion, at the Massacre of Goliad.

Mr. Guinn, chairman of the committee on Enrolled Bills, reported :

A bill to create the 19th Judicial District, and to define the time of holding Courts therein ; and

A bill to incorporate the Houston Tap and Brazoria Railway company, properly engrossed.



A message was received from the House, informing the Senate that the House had adopted the following resolution:  
*Resolved*, That the Senate be requested to meet the House in the Representative Hall, on Thursday next, the 7th inst., at 10 o'clock, A. M. to elect a Commissioner of Claims.

Mr. Potter, chairman of the committee on the Judiciary, made the following report:

The Judiciary committee have had under consideration A bill to establish a Code of Criminal Procedure for the State of Texas. The bill is intended to point out in a plain and distinct manner, the mode of procedure in criminal cases, and a majority of the committee are of opinion, that with some amendment, it will accomplish the object intended. The committee therefore direct me to return the bill to the Senate, with amendments, which are herewith presented, and recommend the adoption of the amendments, and submit the bill thus amended, to the favorable consideration of the Senate.

Mr. Whitaker moved to dispense with the reading of the report.

Mr. Hill being in the chair, decided the motion out of order, from which decision Mr. Taylor of Cass appealed.

The Senate sustained the appeal, and the reading was dispensed with.

On motion of Mr. Taylor of Cass, the rule was suspended, and the report and bill taken up.

Mr. Flanagan moved to indefinitely postpone the Report and Bill.

Mr. Guinn moved to lay the motion on the table—lost.

The question then recurred on the motion to indefinitely postpone, upon which the yeas and nays were as follows:

YEAS—Messrs. Burroughs, Flanagan, Lott, Millican, Scott, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, Whitaker and White—12.

NAYS—Messrs. Allen, Armstrong, Bryan, Caldwell, Grimes, Guinn, Hill, Hord, McDade, Martin, Maverick, Palmer, Pedigo, Pirkey, Potter, Scarborough, Superviele and Wren—18.

So the Senate refused to indefinitely postpone the bill.

Mr. Hord moved to postpone the bill until Monday the 11th inst. and that 250 copies of the amendments be printed—lost.

Mr. Taylor of Fannin moved the previous question, which was the adoption of the report of the committee offering amendments—lost.



The amendments offered by the committee were then read and adopted.

Mr. Burroughs moved to amend the bill by striking out articles 766 and 767, in page 173—lost.

Mr. Burroughs moved to amend by striking out all after the word "trial" in article 674, section 8, page 153—lost.

Mr. Burroughs moved to amend by striking out all after the word "case" in 2nd line of 4th section of article 578, on page 133, to the end of the section—carried.

Mr. Burroughs offered the following amendment :

In section 384, page 91, line 1, strike out "shall not" and insert "may;" in same article, line 3, strike out "shall" and insert "they shall;" in same article, strike out all after the word "committed" in fifth line—rejected.

Mr. Burroughs offered the following amendment :

On page 135, after the word "cause," in 3rd line, insert, "but neither party can place the witnesses under the rule, after a part of the evidence has been introduced"—rejected.

The bill was then ordered to be engrossed.

On motion of Mr. Taylor of Cass, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Armstrong, Bryan, Burroughs, Caldwell, Guinn, Hill, McDade, Palmer, Pedigo, Pirkey, Potter, Scarborough, Superviele and Wren—14.

NAYS—Messrs. Flanagan, Grimes, Lott, Millican, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, Whitaker and White—11.

Mr. Armstrong moved to reconsider the vote which passed A bill to authorize the Chief-Justice of Tarrant county to order an election for the location of the county seat of said county.

On motion of Mr. Taylor of Cass, the motion was laid on the table until to-morrow.

Mr. Palmer introduced the following Joint Resolution :

A Joint resolution instructing our delegates in Congress in relation to the Vigilance Committee in California.

*Be it Resolved by the Legislature of the State of Texas,*

1st. That in the present perilous condition of our former fellow-citizen, the Hon. David S. Terry, a member of the Supreme Court of the State of California, now a prisoner at the mercy of the Vigilance committee of San Francisco, we feel a deep solicitude.

2nd. That among the people with whom he associated from



his childhood, there is but one opinion as to his elevated patriotism, high sense of justice and devotion to good order, and but one sentiment of affectionate regard and high esteem.

3rd. *Be it further resolved*, That we instruct our Senators and request our Representatives in Congress to use their influence with the Executive to obtain such proper and constitutional action as will restore the supremacy of the law in California, and especially to insure to our former fellow-citizen, Hon. D. S. Terry, a fair legal trial before the legally constituted tribunal to which he is answerable for his acts.

Read 1st time.

On motion of Mr. Palmer, the rule was suspended, resolutions read 2nd time and ordered to be engrossed.

On motion of Mr. Hord, the rule was further suspended, resolutions read 3rd time and passed.

A message was received from the House informing the Senate that the House had passed the following bills originating in the House, viz :

A bill for the relief of certain persons therein named.

A bill for the relief of Thornton Thatcher, Charles S. Betts, and the heirs of Sam'l T. Brown, dec'd.

A bill to amend the 2nd Section of an act to incorporate the town of Rusk.

A bill for the relief of H. J. DeWitt, Josiah W. DeWitt, and the heirs and legal representatives of Thomas P. Fowle.

A bill for the relief of certain persons therein named.

A bill for the relief of the heirs of Robert Davidson, dec'd.

A bill for the relief of the heirs of Susan Sallie, dec'd.

A bill for the relief of Wm. Lee.

A bill for the relief of James Wall.

" " " " Schuyler B. Skidmore.

" " " " Wm. M. Hurt and securities.

" " " " John S. Whitman.

" " " " Seth Hazell.

" " " " the heirs of Elizabeth Howard, dec'd,

and other persons therein named.

A bill for the relief of Peter Dowd.

" " " " Robert S. Patton.

A bill to amend the 3rd section of an act for the investment of the Special School Fund in the bonds of Railroad Companies.

A bill for the relief of Preston W. Hobbs.

A bill amending and supplementary to an act, amending



and supplementary to an act to incorporate the Henderson and Burkville Railroad company.

A bill for the relief of Reuben Crawford.

A bill for the relief of Geo. Grounds.

A bill to locate the seat of Justice in Angelina county, and

A Joint resolution making provision for the translating and printing of certain General Laws and documents into the Spanish and German languages.

And that the House had passed a substitute for the Senate bills for the relief of Alfred H. Wiley.

For the relief of John F. Chavis; and

For the relief of the heirs and assigns of Hezekiah George.

And a substitute for the Senate's bill for the relief of the heirs of Sam'l C. Stockbridge, of R. G. Dunlap and of Connel Monchaca.

Mr. Taylor of Cass, introduced A bill to reclaim certain overflowed islands, lying in Soda Lake bottom, in Cass and Harrison counties, within the Reserve—read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Potter presented the petition of Ric'd Wells—referred to the committee on Private Land Claims No. 2.

Mr. Burroughs introduced A bill for the relief of John Maginnis—read 1st and 2nd times, and referred to the committee on Private Land Claims No. 1.

On motion of Mr. Guinn, A bill to amend the second section of an act to incorporate the town of Rusk, was taken up and read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and passed to a 3rd reading.

On motion of Mr. Guinn, the rule was further suspended, bill read 3rd time and passed.

On motion of Mr. Taylor of Houston, A bill for the relief of Miles Bennett, was taken up, and read together with the report of the committee on the Judiciary, offering an amendment thereto, the amendments adopted and bill passed to a 3rd reading.

On motion of Mr. Taylor of Houston, the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Caldwell, A bill granting certain Real Estate to the city of Austin, was taken from the table, read, and ordered to be engrossed.

On motion of Mr. Caldwell, the rule was suspended, bill read 3rd time and passed by the following vote :



YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, Hord, McDade, Martin, Palmer, Potter, Scarborough, Superviele, Taylor of Fannin, Taylor of Houston and Truit—17.

NAYS—Messrs. Guinn, Maverick, Pirkey, Taylor of Cass and Whitaker—5.

On motion of Mr. Taylor of Cass, the Senate accepted the invitation of the House to go into the election of a Commissioner of Claims, on to-morrow, at 10 o'clock, A. M.

On motion of Mr. McDade, the Senate adjourned till to-morrow morning, at 8 o'clock.

#### THURSDAY, August 7th, 1856.

The Senate was called to order by the President pursuant to adjournment—prayer by the Chaplain—roll called—quorum present. The journal of yesterday was read and adopted.

Mr. Scott, chairman of the committee on Public Lands, made the following reports:

The committee on Public Lands, to which was referred the petition of John W. Hamilton, I. Craddock and two hundred and forty other petitioners of the county of Trinity, have had the same under consideration, and find that there are already bills pending, proposing the repeal of the reserve of lands made by the passage of the act for the construction of the Mississippi and Pacific Railroad, and also to grant the pre-emptor his homestead, by his paying for the same at a low price; and in those bills, all is granted that your committee think ought to be done in the premises, and I am therefore instructed to report the petition back and ask that it be laid upon the table.

The committee on Public Lands, to which was referred the petition of Robert Cassin and William A. Tennison, asking the Legislature to put them as members of the Navy of the late republic of Texas, upon the same footing, as regards the granting of bounty lands, as the army of of said republic has already been placed. The committee having already considered and reported upon this subject, which report is now upon the table for the consideration of the Senate, therefore a majority of the committee instruct me to report the petition back to the Senate and ask that it be laid upon the table.

The committee on Public Lands, to which was referred "a bill for the relief of Arthur G. Wavell," have considered the same, and a majority of said committee have instructed